

\*1983 civil Rights Act complaint for negligence: SRN/SER

**Plaintiff:** Tiron Beane #210940 - 1101 Linden LN, fairbault, MN 55021

V.S

**Defendant:** Office of Minnesota Appellate public Defender

**Defendant:** Andrea Barts

**Defendant:** Benjamin J. Butler

**Defendant:** Cathryn Middlebrook

SCANNED

FEB 23 2015

U.S. DISTRICT COURT MPLS

All Defendants contact info: 540 fairview Ave N. suite 300, St paul, MN 55101

Relevant facts: (1 to 8). "incident happen on between, 01-18-09 and 12-31-09".

#1 Plaintiff, contacted the minnesota Appellate public defender office for case #CR-09-8714 representation to appeal the denial of post conviction relief by omsted county district court. In which they assigned ms. Barts, to represent me in this matter. Ms. Barts was ineffect of counsel and also violated my rights by not properly and the lack of preparation and failure to act with reasonable diligence in representing me, alone with she took it upon her self to go against my will to file a voluntary dismissal, with out my knowledge and consent, after I informed her not to. Under M.R.P.C. states: A lawyer should pursue a matter on behalf of a client and take whatever lawful and ethical measures are required to vindicate a client cause or endeavor. Also A lawyer must act with commitment and dedication to the interests of the client and with Zeal in advocacy upon the clients behalf. Rule 3.2 MRPC; Requires that an attorney prosecute OR defend a client's claim without undue delay.

#2 This requires that all necessary filings and services be made promptly. She Also violated rules 1.3, 3.2, 3.4 for failing to act with reasonable promptness and diligence, "competent representation requires the legal knowledge, skill, thoroughness and preparation necessary for representation".

#3 In which she failed to do so. To be noted I never authorized her to do such a thing. I filed a complaint with her supervisor (Ben Butler), He stated that the only reason I wws bring this issue to light is

Tiron Beane

#5

because of my current criminal case. I told him my current matter do not have anything to do with the issue at hand, MR Butler ALSO stated that he took over my file and seen that I gave her authorization by signing a waiver form I told him I never signed any such thing. And ms Barts needs to be held accountable for her unprofessional conduct. Because I wrongfully served an extraordinary amount of time in custody for a miscarriage of justice on behalf of ms Barts and other court personell. To be noted I requested a copy of the form he

#6

stated I signed, to give authorization for ms Barts to file a dismissal on my behalf, "I never received one" Ms Barts failed to represent and properly investigate my case, she provided a number of excusses for her unprofessional conduct, even if true she failed to provide a valid explanation for her actions.

#7

OR show proof that I gave her consent to failed that voluntary dismissal.

#8

MR. Butler conduct in this matter is failing to take proper action in supervizing and investigating my complaint." A lawyer must act with commitment and zeal in advocacy upon the clients behalf." In which she failed to do so. Her negligence lead plaintiff, to spend sixty(60) months in state prison, for her misconduct and negligence actions.

Cause of Action: 1983 Civil Rights Act complaint /for negligence, And violations under <sup>14<sup>th</sup></sup>, <sup>15<sup>th</sup></sup>, <sup>18<sup>th</sup></sup>, <sup>2<sup>nd</sup></sup>, <sup>6<sup>th</sup></sup>, <sup>7<sup>th</sup></sup> Amendments. And discrimination

Relief / Remedy : punitive and compensatory Damages for - Emotional distress, mental anguish, Inconvenience, "loss of enjoyment of life"; and pain & suffering - in the amount of : \$5.5 million dollars or what the court deem is appropriate for the case at hand and according to the law. \* (Plaintiff ~~also~~ Request a jury trial if needed) \*

Tiron Beane 210940

1101 Linden LN

fairbankt, MN 55021

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